

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 03-7173**

**September Term, 2005**

**Filed On: September 19, 2005**

[919141]

GREGORY L. THOMAS,

APPELLANT

v.

GEORGE WASHINGTON UNIVERSITY,

APPELLEE

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Appeal from the United States District Court  
for the District of Columbia  
(No. 98cv02816)

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Before: GINSBURG, *Chief Judge*, and TATEL and BROWN, *Circuit Judges*.

## **J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs and arguments of the parties. It is

ORDERED AND ADJUDGED that the judgment of the district court be affirmed.

We reject the appellant's challenge to the district court's rulings excluding certain evidence. Because Thomas never challenged the rulings at trial by making an offer of proof, as required by Federal Rule of Evidence 103(a)(2), he forfeited his right to challenge them on appeal. *United States v. Thompson*, 279 F.3d 1043, 1047-48 (D.C. Cir. 2002) (failure to alert the district court to the substance of excluded evidence "substantially hinder[s]" appellate review); *United States v. Lavelle*, 751 F.2d 1266, 1272 (D.C. Cir. 1985) (failure to make known the substance of excluded evidence bars consideration on appeal). With the record thus settled, we affirm the district court's entry of

judgment as a matter of law for the reasons stated by the district court.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

*Per Curiam*

**FOR THE COURT:**

Mark J. Langer, Clerk

BY:

Michael C. McGrail

Deputy Clerk